

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

292J0344

HOUSE BILL NO. 1094

Introduced by: Representatives O'Brien, Gillespie, Haverly, Konold, Michels, Olson (Mel),
Van Etten, and Wick and Senators Schoenbeck, Albers, Bogue, Brown,
Duxbury, Ham-Burr, McCracken, Moore, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the grounds for
2 cancellation, revocation, suspension, or limitation of a physician's license.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-4-29 be amended to read as follows:

5 36-4-29. The South Dakota State Board of Medical and Osteopathic Examiners may cancel,
6 revoke, suspend, or limit the license of any physician, surgeon, or osteopathic physician, or
7 surgeon issued under this chapter upon satisfactory proof by a preponderance of the evidence
8 in compliance with chapter 1-26 of such a licensee's ~~gross~~ professional incompetence, or
9 unprofessional or dishonorable conduct, or proof of a violation of this chapter in any respect.
10 However, the board may not base a finding of unprofessional or dishonorable conduct solely on
11 the basis that a licensee practices chelation therapy.

12 For the purposes of this section, professional incompetence is a deviation from the statewide
13 standard of competence, which is that minimum degree of skill and knowledge necessary for
14 the performance of characteristic tasks of a physician or surgeon in at least a reasonably
15 effective way.

